
HOUSE BILL No. 1436

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-1; IC 25-14.6.

Synopsis: Electricians. Establishes the electrical industry licensing board. Establishes licensing requirements for electrical contractors.

Effective: July 1, 2009.

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January 13, 2009, read first time and referred to Committee on Labor and Employment.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1436

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-1-2-2.1, AS AMENDED BY P.L.3-2008,
2 SECTION 175, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2009]: Sec. 2.1. Rather than being issued
4 annually, the following permits, licenses, certificates of registration, or
5 evidences of authority granted by a state agency must be issued for a
6 period of two (2) years or for the period specified in the article under
7 which the permit, license, certificate of registration, or evidence of
8 authority is issued if the period specified in the article is longer than
9 two (2) years:
10 (1) Certified public accountants, public accountants, and
11 accounting practitioners.
12 (2) Architects and landscape architects.
13 (3) Dry cleaners.
14 (4) Professional engineers.
15 (5) Land surveyors.
16 (6) Real estate brokers.
17 (7) Real estate agents.



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(8) Security dealers' licenses issued by the securities commissioner.

(9) Dental hygienists.

(10) Dentists.

(11) Veterinarians.

(12) Physicians.

(13) Chiropractors.

(14) Physical therapists.

(15) Optometrists.

(16) Pharmacists and assistants, drugstores or pharmacies.

(17) Motels and mobile home community licenses.

(18) Nurses.

(19) Podiatrists.

(20) Occupational therapists and occupational therapy assistants.

(21) Respiratory care practitioners.

(22) Social workers, marriage and family therapists, and mental health counselors.

(23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.

(24) Wholesale legend drug distributors.

(25) Physician assistants.

(26) Dietitians.

(27) Hypnotists.

(28) Athlete agents.

(29) Manufactured home installers.

(30) Home inspectors.

(31) Massage therapists.

(32) Electrical contractors.

SECTION 2. IC 25-1-2-6, AS AMENDED BY P.L.3-2008, SECTION 176, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

(1) Indiana board of accountancy.

(2) Indiana grain buyers and warehouse licensing agency.

(3) Indiana auctioneer commission.

(4) Board of registration for architects and landscape architects.

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- 1 (5) State board of barber examiners.
- 2 (6) State board of cosmetology examiners.
- 3 (7) Medical licensing board of Indiana.
- 4 (8) Secretary of state.
- 5 (9) State board of dentistry.
- 6 (10) State board of funeral and cemetery service.
- 7 (11) Worker's compensation board of Indiana.
- 8 (12) Indiana state board of health facility administrators.
- 9 (13) Committee of hearing aid dealer examiners.
- 10 (14) Indiana state board of nursing.
- 11 (15) Indiana optometry board.
- 12 (16) Indiana board of pharmacy.
- 13 (17) Indiana plumbing commission.
- 14 (18) Board of podiatric medicine.
- 15 (19) Private investigator and security guard licensing board.
- 16 (20) State board of registration for professional engineers.
- 17 (21) Board of environmental health specialists.
- 18 (22) State psychology board.
- 19 (23) Indiana real estate commission.
- 20 (24) Speech-language pathology and audiology board.
- 21 (25) Department of natural resources.
- 22 (26) State boxing commission.
- 23 (27) Board of chiropractic examiners.
- 24 (28) Mining board.
- 25 (29) Indiana board of veterinary medical examiners.
- 26 (30) State department of health.
- 27 (31) Indiana physical therapy committee.
- 28 (32) Respiratory care committee.
- 29 (33) Occupational therapy committee.
- 30 (34) Social worker, marriage and family therapist, and mental
- 31 health counselor board.
- 32 (35) Real estate appraiser licensure and certification board.
- 33 (36) State board of registration for land surveyors.
- 34 (37) Physician assistant committee.
- 35 (38) Indiana dietitians certification board.
- 36 (39) Indiana hypnotist committee.
- 37 (40) Attorney general (only for the regulation of athlete agents).
- 38 (41) Manufactured home installer licensing board.
- 39 (42) Home inspectors licensing board.
- 40 (43) State board of massage therapy.
- 41 **(44) Electrical industry licensing board.**
- 42 ~~(44)~~ **(45)** Any other occupational or professional agency created

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after June 30, 1981.

(c) Notwithstanding any other law, the entities included in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

SECTION 3. IC 25-1-6-3, AS AMENDED BY P.L.3-2008, SECTION 177, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The licensing agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of funeral and cemetery service (IC 25-15-9).
- (8) State board of registration for professional engineers (IC 25-31-1-3).
- (9) Indiana plumbing commission (IC 25-28.5-1-3).
- (10) Indiana real estate commission (IC 25-34.1).
- (11) Real estate appraiser licensure and certification board (IC 25-34.1-8-1).
- (12) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (13) State board of registration for land surveyors (IC 25-21.5-2-1).
- (14) Manufactured home installer licensing board (IC 25-23.7).
- (15) Home inspectors licensing board (IC 25-20.2-3-1).
- (16) State board of massage therapy (IC 25-21.8-2-1).
- (17) Electrical industry licensing board (IC 25-14.6-2).**

(b) Nothing in this chapter may be construed to give the licensing agency policy making authority, which remains with each board.

SECTION 4. IC 25-1-7-1, AS AMENDED BY P.L.3-2008, SECTION 178, AND AS AMENDED BY P.L.134-2008, SECTION

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16, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2009]: Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

(1) licensed, certified, or registered by a board listed in this section; and

(2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2-1).

(4) State board of barber examiners (IC 25-7-5-1).

(5) State boxing commission (IC 25-9-1).

(6) Board of chiropractic examiners (IC 25-10-1).

(7) State board of cosmetology examiners (IC 25-8-3-1).

(8) State board of dentistry (IC 25-14-1).

(9) State board of funeral and cemetery service (IC 25-15-9).

(10) State board of registration for professional engineers (IC 25-31-1-3).

(11) Indiana state board of health facility administrators (IC 25-19-1).

(12) Medical licensing board of Indiana (IC 25-22.5-2).

(13) Indiana state board of nursing (IC 25-23-1).

(14) Indiana optometry board (IC 25-24).

(15) Indiana board of pharmacy (IC 25-26).

(16) Indiana plumbing commission (IC 25-28.5-1-3).

(17) Board of podiatric medicine (IC 25-29-2-1).

(18) Board of environmental health specialists (IC 25-32-1).

(19) State psychology board (IC 25-33).

(20) Speech-language pathology and audiology board (IC 25-35.6-2).

(21) Indiana real estate commission (IC 25-34.1-2).

(22) Indiana board of veterinary medical examiners (~~IC 15-5-1-1~~).

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(IC 25-38.1).

(23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.

(24) Respiratory care committee (IC 25-34.5).

(25) Private investigator and security guard licensing board (IC 25-30-1-5.2).

(26) Occupational therapy committee (IC 25-23.5).

(27) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).

(28) Real estate appraiser licensure and certification board (IC 25-34.1-8).

(29) State board of registration for land surveyors (IC 25-21.5-2-1).

(30) Physician assistant committee (IC 25-27.5).

(31) Indiana athletic trainers board (IC 25-5.1-2-1).

(32) Indiana dietitians certification board (IC 25-14.5-2-1).

(33) Indiana hypnotist committee (IC 25-20.5-1-7).

(34) Indiana physical therapy committee (IC 25-27).

(35) Manufactured home installer licensing board (IC 25-23.7).

(36) Home inspectors licensing board (IC 25-20.2-3-1).

(37) State department of health, *for out-of-state mobile health care entities*.

(38) State board of massage therapy (IC 25-21.8-2-1).

(39) Electrical industry licensing board (IC 25-14.6-2).

~~(39)~~ **(40)** Any other occupational or professional agency created after June 30, 1981.

SECTION 5. IC 25-1-8-1, AS AMENDED BY P.L.3-2008, SECTION 179, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. As used in this chapter, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2-1).

(4) State board of barber examiners (IC 25-7-5-1).

(5) State boxing commission (IC 25-9-1).

(6) Board of chiropractic examiners (IC 25-10-1).

(7) State board of cosmetology examiners (IC 25-8-3-1).

(8) State board of dentistry (IC 25-14-1).

(9) State board of funeral and cemetery service (IC 25-15).

(10) State board of registration for professional engineers (IC 25-31-1-3).

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- 1 (11) Indiana state board of health facility administrators
- 2 (IC 25-19-1).
- 3 (12) Medical licensing board of Indiana (IC 25-22.5-2).
- 4 (13) Mining board (IC 22-10-1.5-2).
- 5 (14) Indiana state board of nursing (IC 25-23-1).
- 6 (15) Indiana optometry board (IC 25-24).
- 7 (16) Indiana board of pharmacy (IC 25-26).
- 8 (17) Indiana plumbing commission (IC 25-28.5-1-3).
- 9 (18) Board of environmental health specialists (IC 25-32-1).
- 10 (19) State psychology board (IC 25-33).
- 11 (20) Speech-language pathology and audiology board
- 12 (IC 25-35.6-2).
- 13 (21) Indiana real estate commission (IC 25-34.1-2-1).
- 14 (22) Indiana board of veterinary medical examiners
- 15 (IC 25-38.1-2-1).
- 16 (23) Department of insurance (IC 27-1).
- 17 (24) State police department (IC 10-11-2-4), for purposes of
- 18 certifying polygraph examiners under IC 25-30-2.
- 19 (25) Department of natural resources for purposes of licensing
- 20 water well drillers under IC 25-39-3.
- 21 (26) Private investigator and security guard licensing board
- 22 (IC 25-30-1-5.2).
- 23 (27) Occupational therapy committee (IC 25-23.5-2-1).
- 24 (28) Social worker, marriage and family therapist, and mental
- 25 health counselor board (IC 25-23.6-2-1).
- 26 (29) Real estate appraiser licensure and certification board
- 27 (IC 25-34.1-8).
- 28 (30) State board of registration for land surveyors
- 29 (IC 25-21.5-2-1).
- 30 (31) Physician assistant committee (IC 25-27.5).
- 31 (32) Indiana athletic trainers board (IC 25-5.1-2-1).
- 32 (33) Board of podiatric medicine (IC 25-29-2-1).
- 33 (34) Indiana dietitians certification board (IC 25-14.5-2-1).
- 34 (35) Indiana physical therapy committee (IC 25-27).
- 35 (36) Manufactured home installer licensing board (IC 25-23.7).
- 36 (37) Home inspectors licensing board (IC 25-20.2-3-1).
- 37 (38) State board of massage therapy (IC 25-21.8-2-1).
- 38 **(39) Electrical industry licensing board (IC 25-14.6-2).**
- 39 ~~(39)~~ **(40)** Any other occupational or professional agency created
- 40 after June 30, 1981.

41 SECTION 6. IC 25-1-11-1, AS AMENDED BY P.L.3-2008,
 42 SECTION 181, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2009]: Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of registration of land surveyors (IC 25-21.5-2-1).
- (8) State board of funeral and cemetery service (IC 25-15-9).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) Indiana plumbing commission (IC 25-28.5-1-3).
- (11) Indiana real estate commission (IC 25-34.1-2-1).
- (12) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (13) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (14) Manufactured home installer licensing board (IC 25-23.7).
- (15) Home inspectors licensing board (IC 25-20.2-3-1).
- (16) State board of massage therapy (IC 25-21.8-2-1).
- (17) Electrical industry licensing board (IC 25-14.6-2).**

SECTION 7. IC 25-14.6 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

ARTICLE 14.6. ELECTRICIANS

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "BAT" means the Bureau of Apprenticeship and Training within the United States Department of Labor.

Sec. 3. "Board" means the electrical industry licensing board established by IC 25-14.6-2-1.

Sec. 4. "Electrical contracting" means the business of:

- (1) designing;**
- (2) installing;**
- (3) erecting;**
- (4) repairing; or**
- (5) altering;**

electrical wires or conductors to be used for electrical light, heat, power, or signaling purposes. The term includes the installation or

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1 repair of ducts, raceways, or conduits for the reception or
 2 protection of wires or conductors and the installation or repair of
 3 electrical machinery, apparatus, or systems used for electrical
 4 light, heat, power, or signaling.

5 Sec. 5. "Electrical contractor" means a person who performs
 6 electrical contracting.

7 Sec. 6. "Licensee" means an individual who performs electrical
 8 contracting and is licensed under this article.

9 Sec. 7. "Licensing agency" refers to the Indiana professional
 10 licensing agency established by IC 25-1-5-3.

11 Sec. 8. "Person" means an individual, a corporation, a
 12 partnership, an association, or another legal entity.

13 **Chapter 2. Electrical Industry Licensing Board**

14 **Sec. 1. The electrical industry licensing board is established.**

15 **Sec. 2. (a) The board consists of seven (7) members appointed by**
 16 **the governor as follows:**

17 (1) Two (2) individuals who are members of the Associated
 18 Builders and Contractors.

19 (2) Two (2) individuals who are members of the Independent
 20 Electrical Contractors Association.

21 (3) Two (2) individuals who are members of the National
 22 Electrical Contractors Association.

23 (4) One (1) individual who is a member of the Building
 24 Industries Association.

25 (b) An individual appointed under subsection (a) must hold a
 26 license under this article:

27 (1) for at least five (5) years immediately preceding the
 28 appointment of the individual to the board; and

29 (2) during the individual's term on the board.

30 **Sec. 3. (a) Each member of the board shall serve a term of four**
 31 **(4) years and until the member's successor is appointed and**
 32 **qualified.**

33 (b) A member may not serve on the board for more than two (2)
 34 consecutive terms.

35 **Sec. 4. (a) The governor may remove a member at any time for**
 36 **incompetency, neglect of duty, or unprofessional conduct.**

37 (b) A vacancy in the membership of the board shall be filled by
 38 an individual appointed by the governor for the unexpired term.

39 **Sec. 5. (a) Each year the board shall elect a member as**
 40 **chairperson and another member as vice chairperson.**

41 (b) A member serving as chairperson or vice chairperson shall
 42 serve until the member's successor as chairperson or vice

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chairperson is elected.

(c) The chairperson shall preside at all meetings at which the chairperson is present. The vice chairperson shall preside at meetings in the absence of the chairperson and shall perform other duties as the chairperson directs.

(d) If the chairperson and vice chairperson are absent from a meeting of the board when a quorum exists, the members who are present may elect a presiding officer who shall serve as acting chairperson until the conclusion of the meeting or until the arrival of the chairperson or vice chairperson.

Sec. 6. The board shall meet at least four (4) times each calendar year upon the call of the chairperson or the written request of a majority of the members of the board.

Sec. 7. (a) Four (4) members of the board constitute a quorum.

(b) An affirmative vote of four (4) members of the board is necessary for the board to take official action.

Sec. 8. Each member of the board is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Each member of the board is entitled to reimbursement for travel expenses as provided in IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 9. The board shall do the following:

- (1) Administer, coordinate, and enforce this article.
- (2) Adopt rules under IC 4-22-2 for the administration and enforcement of this article.
- (3) Prescribe the requirements for and the form of licenses issued or renewed under this article.
- (4) Issue, deny, renew, suspend, or revoke licenses under this article.
- (5) In accordance with IC 25-1-7, investigate and prosecute complaints involving licensees or individuals the board has reason to believe should be licensees, including complaints concerning the failure to comply with this article or rules adopted under this article.
- (6) Bring actions in the name of the state of Indiana in an appropriate circuit court to enforce compliance with this article or rules adopted under this article.
- (7) Establish fees in accordance with IC 25-1-8.
- (8) Inspect the records of a licensee in accordance with rules adopted by the board.

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(9) Conduct or designate a board member or another representative to conduct public hearings on any matter for which a hearing is required under this article and to exercise all powers granted under IC 4-21.5.

(10) Maintain the board's records and files.

Sec. 10. The licensing agency shall do the following:

(1) Carry out the administrative functions of the board.

(2) Provide necessary personnel to carry out the duties of this article.

Chapter 3. Licensing Requirements

Sec. 1. Beginning July 1, 2011, an individual may not perform or offer to perform electrical contracting without a license to perform electrical contracting issued by the board under this article.

Sec. 2. An application for a license to perform electrical contracting must be:

(1) made to the board on forms provided by the board; and

(2) accompanied by an application fee in the amount set by the board.

Sec. 3. Except as provided in section 6 of this chapter, an individual who applies for a license to perform electrical contracting must:

(1) furnish evidence satisfactory to the board showing that the individual is at least twenty-one (21) years of age;

(2) provide evidence that the individual:

(A) has completed at least twelve thousand (12,000) hours of practical experience in installing equipment and associated wiring related to a license under this article;

(B) has:

(i) received an electrical journeyman certificate from a

BAT approved electrical apprenticeship program; and

(ii) completed at least ten thousand (10,000) hours of practical experience installing equipment and associated wiring related to a license under this article;

(C) has:

(i) received an associate's degree from a state accredited program in a field related to electrical contracting; and

(ii) completed at least eight thousand (8,000) practical hours of experience installing equipment and associated wiring related to a license under this chapter; or

(D) has:

(i) received a four (4) year degree in electrical

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engineering; and

(ii) completed at least four thousand (4,000) hours of experience installing equipment and associated wiring related to a license under this article; and

(3) pay the fee established by the board.

Sec. 4. An individual applying for a license to perform electrical contracting must apply on a form prescribed and provided by the board.

Sec. 5. An individual who is denied a license under this article has the remedies prescribed under IC 4-21.5.

Sec. 6. The board may grant a license to an applicant who:

(1) submits satisfactory evidence to the board that the applicant has been licensed to perform electrical contracting in another state or country under qualifications that are substantially equivalent to the qualifications for licensure under this article; and

(2) pays the fee established by the board.

Chapter 4. Renewal of License

Sec. 1. A license issued by the board is valid for four (4) years from its date of issuance.

Sec. 2. An individual who applies to renew a license as an electrical contractor shall:

(1) file a renewal application with the board;

(2) pay a renewal fee established by the board; and

(3) meet other requirements established by the board.

Sec. 3. (a) Renewal notices must be sent in accordance with IC 25-1-2-6(c).

(b) The renewal fee must be paid in accordance with IC 25-1-8-2(d).

Sec. 4. If an individual desires to discontinue the practice of electrical contracting in Indiana, the individual may select inactive status on the renewal form. The board may grant inactive status to an individual if the individual:

(1) does not profess to the public to possess a license under this article;

(2) maintains continuing competency requirements as established by the board; and

(3) pays a fee established by the board.

Chapter 5. Discipline and Violations

Sec. 1. The board may take disciplinary action against a licensee for any of the following violations:

(1) Violating this article or rules adopted by the board under

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1 this article.

2 (2) Making a false or materially misleading representation in:

3 (A) a license application form or renewal form; or

4 (B) information provided to the board.

5 (3) Failing to pay fees or civil penalties required under this
6 article.

7 (4) Communicating to the public false or misleading
8 information concerning the license held.

9 Sec. 2. The procedures set forth in IC 4-21.5 govern the board's
10 conduct of disciplinary hearings.

11 Sec. 3. The board may summarily suspend a license for up to
12 ninety (90) days before a final adjudication or during an appeal of
13 the board's determination if the board finds that the licensee
14 represents a clear and immediate danger to the public's health,
15 safety, or property if the licensee is allowed to practice electrical
16 contracting. The summary suspension may be renewed, upon a
17 hearing before the board, for up to ninety (90) days.

18 Sec. 4. (a) If the board determines that an individual not
19 licensed under this article is engaged in or believed to be engaged
20 in activities for which a license is required under this article, the
21 board may issue an order to the individual requiring the individual
22 to show cause why the individual should not be ordered to cease
23 and desist from the activities. The show cause order must set forth
24 a date, time, and place for a hearing at which the affected
25 individual may appear and show cause as to why the individual
26 should not be subject to licensing under this article.

27 (b) If the board, after a hearing, determines that the activities
28 in which the individual is engaged are subject to licensing under
29 this article, the board may issue a cease and desist order that
30 describes the individual and activities that are the subjects of the
31 order.

32 (c) A cease and desist order issued under this section is
33 enforceable in the circuit or superior courts.

34 Sec. 5. An individual who knowingly and intentionally:

35 (1) performs or offers to perform electrical contracting
36 without being licensed or without being exempt from licensing
37 under Indiana law;

38 (2) presents as the individual's own the license of another;

39 (3) gives false or materially misleading information of any
40 kind to the board or to a board member in connection with
41 licensing matters;

42 (4) impersonates a licensee;

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1 (5) uses an expired, suspended, or revoked license; or
 2 (6) otherwise violates this article;
 3 commits a Class B misdemeanor.

4 Sec. 6. An individual who applies for and is denied a license or
 5 a licensee who is aggrieved by an order or a determination of the
 6 board is entitled to a judicial review under IC 4-21.5.

7 Sec. 7. The attorney general shall act as the legal adviser for the
 8 board and provide any legal assistance necessary to carry out this
 9 article.

10 SECTION 8. [EFFECTIVE JULY 1, 2009] (a) As used in this
 11 SECTION, "board" means the electrical industry licensing board
 12 established by IC 25-14.6-2-1, as added by this act.

13 (b) The governor shall make the initial appointment to the
 14 board not later than January 1, 2010. In making an initial
 15 appointment, the governor shall indicate the length of the term for
 16 which the individual is appointed.

17 (c) The initial terms of office for the seven (7) individuals
 18 appointed to the board by the governor are as follows:

- 19 (1) One (1) member for a term of four (4) years.
- 20 (2) Two (2) members for a term of three (3) years.
- 21 (3) Two (2) members for a term of two (2) years.
- 22 (4) Two (2) members for a term of one (1) year.

23 (d) The initial term begins January 1, 2010.

24 (e) An individual who does not meet the requirements of
 25 IC 25-14.6-2-2(b), as added by this act, may be appointed to the
 26 board under IC 25-14.6-2-2(a), as added by this act, if the
 27 individual:

- 28 (1) meets the requirements under IC 25-14.6-3-3(1) and
 29 IC 25-14.6-3-3(2), as added by this act;
- 30 (2) has been actively engaged in electrical contracting for at
 31 least five (5) years immediately before the individual's
 32 appointment; and
- 33 (3) obtains a license under IC 25-14.6-3, as added by this act,
 34 not later than January 1, 2011.

35 (f) A board member appointed under subsection (e) who does
 36 not obtain the requisite license under IC 25-14.6-3, as added by this
 37 act, on or before January 1, 2011, shall be considered to have
 38 resigned from the board on that date, and the governor shall fill
 39 the vacancy under IC 25-14.6-2-4(b), as added by this act.

40 (g) Not later than July 1, 2010, the board shall adopt rules under
 41 IC 4-22-2 to carry out this act.

42 (h) This SECTION expires December 31, 2013.

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